

## La Ley de Memoria Democrática (Democratic Memory Law)

The law was passed by the Spanish Senate on 5 October 2022 and came into effect on 21 October 2022.

One of the provisions of the law is to allow the children and grandchildren of people who were originally Spanish nationals – but suffered exile from Spain between 18 July 1936 and 1 December 1955 for reasons of ideology, religion or sexual orientation and as a consequence lost or renounced their citizenship – to claim Spanish nationality.

The law also provides for the descendants of females – even if the latter were minors at the time – who lost their citizenship upon marrying a non-Spaniard prior to the 1978 Spanish Constitution to claim Spanish nationality. In this case it appears to be sufficient to submit the relevant birth and marriage certificates (see link below).

According to the application form on the Spanish Consulate website (<https://www.exteriores.gob.es/Consulados/amsterdam/es/Comunicacion/Noticias/Publicaciones/Paginas/Articulos/LEY-DE-MEMORIA-DEMOCRATICA/Instrucci%3bn%20DGSJFP%20LMD.pdf>) the burden of proof appears to be high.

The following guidance indicates what can be used to support the application:

- Documentation that accredits a parent or grandparent who was a beneficiary of the pensions granted by the Spanish Administration to exiles. This alone would directly prove the exile.
- Documentation or reports issued by public or private bodies or institutions duly recognised by the Spanish or UK authorities, which are related to the exile (e.g. from political parties, trade unions or organisations in the UK that assisted Spanish refugees and their families).
- Documents relating to the exit from Spain and arrival in the UK (e.g. passport or travel document, or official documentation from the time, showing the year of arrival and how the applicant arrived).

A full list of the acceptable documents is listed on the application form (see link above).

In the case of the Basque children, none of the above appears to exist. It is possible, however, that some of the teachers and auxiliaries who were on the *Habana* may have claimed and been awarded pensions by the Spanish government in the late 1960s and 1970s.

The only documents relating to the *Habana* children are the boarding list of the names of the children, teachers and auxiliaries, and the index cards (“*fichas*”) of each individual on the *Habana*, listing name, address in Spain, names of parents (and what happened to them) and addresses in the UK. The *Habana* boarding list is held in the Archive of the Basque Government in Bilbao. The index cards and another type written list of the children on the *Habana* are held at the Fundación Universitaria Española (FUE) in Madrid.

Given the high burden of proof, Simon Martínez of the Basque Children of '37 Association has written to the Spanish Ambassador in the UK seeking a meeting with, or advice from, the Spanish Consul General about the kinds of supporting evidence to be provided.

The Archive of the Basque Government appears to be willing to issue some type of certification of specific pages on the list but awaits clarification on what would be required and whether this would be sufficient to meet what appears to be a high bar.

SURNAME <u>MARTINEZ BARAMBA</u>		BASQUE NO. <u>3244</u>	CENTRE <u>A2</u>
MIDDLE LETTERS <u>hessid l.c</u>		ENGLISH NO. <u>3244</u>	
CHRISTIAN NAME <u>ENRIQUE</u>	AGE <u>39</u> 19 <u>24</u>	SEX <u>M.</u>	Trithrop House 22-10-25
LAST PERMANENT SPANISH ADDRESS <u>Calle de la Estacion 2, Guecho.</u>			Wickham-Lambert 1-3-35
FATHER'S NAME <u>TOMAS MARTINEZ GOMEZ</u>			Thydon Bois 1
OCCUPATION <u>factory hand</u>	RELIGION <u>Comm.</u>		Handley 7-10-39
MOTHER'S NAME <u>ELOISA</u>			Munster 12-30
NEXT OF KIN IN SPAIN <u>Father (dead) ATXAR</u>			Barnet 2-50
ADDRESS <u>As above</u>			St. John Baptist, 11-10-39
CHILD ALONE OR WITH OTHER MEMBERS OF FAMILY <u>2 B: 2278</u>			The Cottage 1-10-39
RELATIVES IN UNITED KINGDOM <u>3249</u>			Walsell Broad St. 1-10-39
<u>20-3-39: F killed. M. was in Barcelona before fall.</u>			St. George's Hospital 4-10
<u>17-7-39: M in Las Arenas, very ill many years.</u>			REPATRIATED 11-10-40
<u>Judyth's Eloisa Baramba, Calle Mayor 17, Toraco Las Arenas, Vizcaya</u>			St. Barnabas 27-11-40

PAIS VASCO		Euzkadi	
Departamento de Asistencia Social		Departamento de Asistencia Social	
L 33		L 33	
NOMBRE DE LAS MUJERES	NO	NOMBRE DE LAS MUJERES	NO
...	...	...	...

DEPARTAMENTO DE ASISTENCIA SOCIAL			
Euzkadi, lista n.º 1			
NOMBRE DE LAS MUJERES	NO	NOMBRE DE LAS MUJERES	NO
...	...	...	...

Examples of a file card and the *Asistencia Social* list.

Please contact [simonmartinez1937@yahoo.com](mailto:simonmartinez1937@yahoo.com) if you would like support in your applications for Spanish Citizenship or if you would like a copy of the file card relating to your parent(s) or the relevant page from the *Asistencia Social* list. I have just received the copy of the ledger from the Archive of the Basque Government but we are still exploring the best way to present the relevant page with an authentication stamp.

The BCA37UK continues to work on all aspects of family history.

Simon Martínez  
25.11.2022